

July 31, 2013

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Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: **Notice of Ex Parte – CG Docket Nos. 03-123, 10-51, and 13-24**
Purple Communications, Inc.

Dear Ms. Dortch:

Purple Communications, Inc. (“Purple”) hereby responds to the ex parte filed on July 26, 2013, by Sprint Corporation (“Sprint”),¹ attaching a handout summarizing a “study” on IP Relay service quality conducted by the Paisley Group Ltd. (“Paisley”).² Sprint has submitted blatantly false and misleading information regarding Purple’s IP Relay service through this handout. This misinformation is easily refuted by a simple review of the volumes of data that Purple generates regarding its quality and answer performance. Moreover, as detailed below, Purple has requested that the Commission’s Enforcement Bureau investigate the potential waste, fraud and abuse connected with the apparent misuse of TRS Funds in conducting this “study.”

Specifically, Sprint has submitted to the FCC misinformation that is not remotely accurate regarding Purple’s IP Relay service performance, including average connect time, average words per minute (“WPM”), and accuracy of typing. Exhibit 1 sets forth Purple’s actual speed of answer and service level performance for the i711 service during the date range in which Paisley claims to have conducted its “study.” In addition, Purple has a proven record of consistently providing fast and high-quality IP Relay service – and that record is supported by thousands of call records. For example, Paisley asserts that Purple provides only 48.4 average WPM and 93.5% typed accuracy. In truth, however, Purple tests its agents every 90 days – far more often than required – and requires a minimum average of 60 WPM at 98% accuracy. Last quarter, Purple’s provided an average of 71 WPM at 99.3% accuracy. Furthermore, Paisley asserts that Purple has an average connect time of 23.5 seconds when, in fact, Purple’s average speed of answer is consistently between three and six seconds. Purple’s performance statistics are based on the company’s random monitoring of

¹ See Letter from Scott R. Freiermuth, Counsel, Sprint Corporation, to Marlene H. Dortch, Secretary, FCC, Notice of Ex Parte, CG Docket Nos. 03-123, 10-51 and 13-24 (filed July 26, 2013) (“Sprint Ex Parte”).

² See Sprint Ex Parte (attaching a summary of information from the *National Relay Service Performance Index*, published by the Paisley Group Ltd., in March 2013).

approximately 2900 calls per month in eight different performance categories. Purple can also provide the Commission detailed documentation to support its calculations upon request.

As a practical matter, Purple would not have been able to consistently hold more than 50% of the IP Relay market for multiple years, while maintaining the most stringent compliance and fraud-prevention standards in the industry, if it performed anywhere near the levels suggested by Sprint and Paisley. Customers seek service from providers that offer fast speed of answer and high-quality performance, and Purple's market share is testimony to its consistently high performance standards.

Additionally, several other factors suggest that Sprint (which, along with Hamilton Relay and AT&T, is listed as a Paisley client on Paisley's website)³ purposefully submitted inaccurate and misleading information to the Commission regarding Purple's performance. First - Paisley apparently tested only i711 (IP text relay), which represents only a minority of Purple's IP Relay traffic. Importantly, with that service, each time the CA hits "enter," the full set of words just typed are sent to the user. So, it is not possible for an outside "tester" to measure the typing speed. Interestingly, Paisley's own report methodology stated that it did not test WPM for Sorenson IP and AT&T because they "use an Instant Messaging based application."⁴ Yet the Purple i711 service also uses an Instant Messaging based application – so Paisley appears to have knowingly reported unreliable data, which Sprint submitted to the FCC. Equally perplexing, Paisley states that it conducted some of the calls in the "study" over a Teletype ("TTY") line, potentially further skewing the results because TTY lines permit a maximum of less than 45 WPM.

Purple also notes that Paisley's wildly erroneous test results are further suspect, due to the fact that Purple declined Paisley's request to pay for the "study," while Sprint and other providers (all of whom were reported by Paisley as having superior performance to Purple) were Paisley clients. In comparison to Purple's actual performance data, the Paisley "study" results are so dramatically inaccurate we must question whether they were generated to intentionally mislead for the benefit of Paisley's clients (specifically, Sprint), or was simply the product of gross incompetence. And Sprint's use of such flawed information, in a filing published less than 72 hours prior to the timed exit of a substantial industry participant,⁵ calls into question the integrity and motives behind Sprint's filing.

The study raises serious questions regarding potential misuse of the Fund. In particular, how did Paisley's staff collect the sample of call minutes on which it based its purported calculations? Who was making these "study" calls? Their report cites 150 calls to each of five providers averaging 3:50 in duration, with scripts designed to prevent the CA from identifying it as a test call.⁶ Purple was

³ See <http://www.thepaisleygroup.com/main/> (listing Sprint Relay as a client of Paisley) (last visited July 31, 2013).

⁴ See Sprint Ex Parte (attaching a summary of information from the *National Relay Service Performance Index*, published by the Paisley Group Ltd., in March 2013).

⁵ See Letter from John Nakahata, Counsel, Sorenson Communications, to Marlene H. Dortch, Secretary, FCC, CG Docket Nos. 03-123 (filed July 8, 2013).

⁶ See Sprint Ex Parte (attaching a summary of information from the *National Relay Service Performance Index*, published by the Paisley Group Ltd., in March 2013).

certainly not made aware that these appear to have been fake “study” calls. Were these calls performed by eligible users, or did the Paisley representatives obtain accounts through falsifying their eligibility? These scripted call were clearly not legitimate relay calls, yet they consumed the time of CAs and were presumably billed to the Fund. In light of the serious questions raised by the false information submitted to the FCC, and the equally troubling implications with respect to potential waste, fraud and abuse related to the TRS Fund, Purple requests that the Enforcement Bureau thoroughly investigate this matter.

Respectfully submitted,



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Exhibit 1

1. Purple i711 average speed of answer and service level performance for the period January 19, 2013 through February 28, 2013.⁷

Date	ASA	Service Level
1/19/2013	4.2	92%
1/20/2013	4.2	91%
1/21/2013	4.0	95%
1/22/2013	4.7	93%
1/23/2013	5.1	94%
1/24/2013	4.5	90%
1/25/2013	4.9	93%
1/26/2013	4.0	91%
1/27/2013	4.6	90%
1/28/2013	5.1	94%
1/29/2013	4.9	91%
1/30/2013	4.0	88%
1/31/2013	4.7	90%
2/1/2013	5.9	91%
2/2/2013	8.9	87%
2/3/2013	5.0	94%
2/4/2013	7.7	89%
2/5/2013	9.4	90%
2/6/2013	6.1	92%
2/7/2013	5.9	92%
2/8/2013	6.0	91%
2/9/2013	9.3	87%
2/10/2013	4.3	95%
2/11/2013	6.3	92%
2/12/2013	6.4	93%
2/13/2013	6.1	91%
2/14/2013	4.5	95%
2/15/2013	5.7	93%
2/16/2013	4.0	96%
2/17/2013	4.1	95%

⁷ Service level is the percentage of total calls answered by the provider within 10 seconds of call arrival.

2/18/2013	6.3	91%
2/19/2013	5.5	92%
2/20/2013	7.1	91%
2/21/2013	7.8	88%
2/22/2013	4.7	93%
2/23/2013	6.5	93%
2/24/2013	4.5	93%
2/25/2013	6.1	91%
2/26/2013	6.1	91%
2/27/2013	5.5	91%
2/28/2013	7.5	91%

2. Purple average speed of answer and service level performance for all services January-June 2013:

Month	ASA	Service Level
Jan-13	5.1	93%
Feb-13	5.9	92%
Mar-13	5.9	92%
Apr-13	5.4	91%
May-13	5.7	92%
Jun-13	6	92%